
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

☐ All Child Care Evaluator Manual Holders
☐ All Residential Care Evaluator Manual Holders
☒ All Evaluator Manual Holders

Transmittal No.
06RM-08**Date Issued**
August 2006**Subject:**

REFERENCE MATERIAL – BACKGROUND CHECK PROCEDURES

Reason For Change:

To revise Sections 7-1000, 7-1010, 7-1510, 7-1515, 7-1820, and 7-2100 regarding non-exemptible offenses to comply with the Glesmann v. Saenz decision.

Revised Pages:

4, 5, 14, 15, 16, 53, 54, 55, 56, 66, 74, 75, 76 and 79

Reformatted Page:**New Page(s):**

Approved:***Bob Hing for******7/29/06***

WILLIAM C. JORDAN, Chief
Caregiver Background Check Bureau
Community Care Licensing Division

Date

Contact Person: Mariahelena Jiménez-Romo

Phone Number: (916) 274-0474

7-1000 COUNTIES UNDER CONTRACT TO PROVIDE LICENSING SERVICES (Continued)**7-1000**

Program Investigators prepare certain cases for State Regional Offices but do not perform investigations for counties under contract with the California Department of Social Services. These investigative responsibilities are assumed by the counties under contract. Any questions about how a case should be handled should be referred to the county liaison in the Program Office responsible for that county. All exemption approvals and denials for county licensing agencies must be approved by the Branch Chief, Program Manager or designee, as specified. When a statement refers to Exemption Manager or Unit Manager throughout this section, the county equivalent is the Program Manager or designee. When a statement refers to Branch Chief throughout this section, the county equivalent is two supervisory levels above the Program Manager or designee, as approved by the Department. The County Director of Child Welfare Services or his/her designee shall be responsible for the independent operation of the County's licensing program from the County's child welfare placement program. Documentation of all decisions, including those of the Bureau Chief or designee, shall be maintained in the appropriate facility file.

Caregiver Back Ground Check Bureau and Background Information Review Section sample letters are referenced throughout this section. County licensing agencies must use these letters to create their own, modifying only the addresses, contacts, phone numbers, and signature blocks. The body of the letters should not be modified as they are written to comply with state law, regulations and court decisions. County licensing agencies use the appeal address of the Program Office which is responsible for that county. Anytime a letter is sent to the Licensee requiring that the individual be removed, a Confirmation of Removal Notice (LIC 300E) must be attached.

7-1010 QUARTERLY COUNTY EXEMPTION REPORT**7-1010**

County licensing offices must record and report all approved and denied exemptions using the Quarterly County Exemption Report (LIC 9210). The LIC 9210 is available on the California Department of Social Services website at <http://cclld.ca.gov/docs/forms.htm>.

The report must be submitted on a quarterly basis as follows:

<u>Reporting Period</u>	<u>Report Due</u>
January through March	April 7
April through June	July 7
July through September	October 7
October through December	January 7

Separate LIC 9210's are required for Foster Family Homes and Family Child Care Homes. LIC 9210's must be submitted to the Program Office as follows:

Foster Family Homes

Send completed LIC 9210 to:

Children's Residential Program Office
 100 Corporate Point, Suite 350, M.S. 29-17
 Culver City, CA 90230
 Attn.: Manager of Statewide Foster Care Program

7-1010 QUARTERLY COUNTY EXEMPTION REPORT (Continued)**7-1010**

Send an additional copy to your local liaison.

Family Child Care Homes

Send completed LIC 9210 to:

Child Care Program Office
744 P Street, M.S. 19-48
Sacramento, CA 95814
Attn: County Liaison

The LIC 9210 must include:

- The name of the county.
- The facility type, either Family Child Care Home or Foster Family Home.
- The county liaison's name who is assigned to your county.
- The county liaison's phone number.
- The year of the report.
- The appropriate reporting period.
- The subject's name as it appears on the Department of Justice criminal record. It is not necessary to list all of the aliases as reflected on the rap sheet.
- The facility name and number listed on the license.
- The subject's social security number.
- The subject date of birth.
- The appropriate reporting source: Department of Justice (DOJ), Federal Bureau of Investigation (FBI), self reported on LIC 508 (self), or transferred from another licensing agency (Transfer).
- Type of exemption. Use the following legend: Standard (ST), Simplified (SM), Conditional (C), Individual (I), Non-Exemptible (N) or Denied (D).
- The year of conviction(s), the type of conviction [Misdemeanor (M) or Felony (F)], and the criminal violation code number and title identified on the RAP sheet. Include all convictions both self-disclosed and from the RAP sheet and list one crime on each line of the form. If the subject was on informal or formal probation, note date ended.
- The individual's association with the facility. Use the following legend: Applicant (A), Licensee (L), Relative/Family Member (R), Individual (I), Employee (E), Other Adult in the Home (O).
- Any additional information, i.e., any additional reports requested such as PD reports, convictions which were pleaded down or dismissed, and if the case was discussed at a legal consultation with your county liaison and staff attorney. Did a minor, non-serious conviction stem from an arrest for a violent crime? If so, was a crime report reviewed? Please indicate if the crime(s) upon which the exemption was determined, considered this "potential for violence" factor in the exemption decision. Note: a violent crime is a crime that, upon evaluation of the code section violated and/or the reports regarding the underlying offence, presents a **threat** of harm or violence. List if the exemption was transferred from another licensing agency, the date of the transfer approval, and which licensing agency approved the original exemption.

7-1500 CRIMINAL RECORD TRANSCRIPT (RAP SHEET) (Continued) 7-1500

Any conviction and an arrest for a lesser offense - process exemption and if subsequent arrest results in a conviction later, than take appropriate action.

The rap sheet may note multiple arrests for felonies or misdemeanors, yet not show any conviction or disposition information. Under these circumstances, a Judgment of Conviction or other evidence substantiating the disposition of the arrests, such as the individual's written statement, must be obtained by the licensing agency. (See Evaluator Manual Section 7-1811, Investigating Arrests-Only). The Department may not use the mere fact of a person's arrest to support an administrative action against the individual.

Based on policy and procedures approved by the Department of Justice, the licensing agency may discuss all convictions noted on the rap sheet with the subject. It is not necessary to obtain a Judgment of Conviction prior to this discussion. It is also permissible to show the rap sheet to the individual. The rap sheet of an employee shall not be shown to the licensee of the facility or spouse of the affected employee. Licensing staff shall not provide a copy of the rap sheet to the individual or the licensee of the facility. (See Evaluator Manual Section 7-2010, Confidentiality of Criminal History Information). If the person wants to obtain a copy of his or her rap sheet, the person should be directed to contact the Department of Justice.

7-1510 NON-EXEMPTIBLE CONVICTIONS - INITIAL 7-1510

An individual with a non-exemptible conviction(s) is not eligible to apply for a criminal record exemption. See exception in Evaluator Manual Section 7-1515 Certificate of Rehabilitation. If a license applicant, spouse or dependent family member who resides in the facility has a non-exemptible conviction, the license application must be denied.

The Regional Office or county licensing agency must inform the applicant of the license denial. The Caregiver Background Check Bureau will telephone the Regional Office and send a written notification (cbcb6.0) of receipt of a rap sheet with a non-exemptible conviction. The Regional Office and county licensing agency must use the cbcb6.0 Template Letter 1, **1a or 1b**, found in the common library as a guide to draft a letter to the applicant and the individual. **The letter to the individual must identify the documents or materials relied upon to make the determination. This will usually be the state summary criminal history information received from the Department of Justice. In addition, the letter must list the non-exemptible conviction(s) and if known, the approximate date and court location where the conviction occurred.** (County licensing agencies – see Evaluator Manual Section 7-1000 for letter modification instructions).

In addition to the notification, the Caregiver Background Check Bureau will also send a response form that the Regional Office must complete and return to the Caregiver Background Check Bureau within thirty (30) days. The response form tells the Caregiver Background Check Bureau if the applicant is appealing the denial. If the applicant appeals the denial, the Regional Office must send the Caregiver Background Check Bureau the appeal letter, a copy of the LIC 508 (if not previously sent) and a copy of the LIC 200 with the completed response form.

7-1510 NON-EXEMPTIBLE CONVICTIONS - INITIAL (Continued)**7-1510**

If the denial is based solely on the conviction of the non-exemptible offense, and the applicant appeals, the Caregiver Background Check Bureau or county licensing agency will prepare the Statement of Facts.

If a potential employee has a non-exemptible conviction, the Caregiver Background Check Bureau or the county licensing agency must send separate, concurrent letters (cbcb 6.1) to the licensee and the individual notifying them that the individual's crime is non-exemptible and that they may not work, reside or have contact with clients of any community care facility. (County licensing agencies – see Evaluator Manual Section 7-1000 for letter modification instructions).

Use the list in Evaluator Manual Section 7-2100 to determine if the individual's offense is considered non-exemptible. If the offense does not appear on the non-exemptible list, the individual has the right to apply for an exemption. See Evaluator Manual Section 7-1710 Exemption Requests.

Special consideration must be given to an individual convicted of indecent exposure (Penal Code Section 314.1). Specified at Penal Code, § 290(a)(2)(A). This crime is non-exemptible unless the court expressly orders that the person does **not** have to register as a sex offender. Before allowing an individual convicted of indecent exposure to be eligible for an exemption, the licensing agency must verify with the court **that it** issued an order that the he or she did not have to register as a sex offender.

7-1515 CERTIFICATE OF REHABILITATION – H & S Code 1522**7-1515**

An exemption may be granted for individuals convicted of specific violent felonies covered in Health and Safety Code Section 1522. All criteria for evaluation of individuals convicted of violent felonies should be followed for these individuals, including, approval by Branch Chief or county equivalent. This exception to the non-exemptible listing only applies if all of the following criteria are met:

- (a) The individual is associated with a facility covered under Health and Safety Code Section 1522; and
- (b) The individual was convicted of one or more of the following violent felonies as specified in paragraphs (1), (2), (7) or (8) of the Penal Code Section 667.5:
 - (i) Murder or voluntary Manslaughter;
 - (ii) Mayhem;
 - (iii) Any felony punishable by death or life in prison; or

7-1515 CERTIFICATE OF REHABILITATION – H & S Code 1522 (continued) 7-1515

- (iv) Any felony in which the individual inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the individual uses a firearm which use has been charged and proved in Section 12022.5 or 12022.55.
- (c) The individual has been rehabilitated as provided in Section 4852.03 of the Penal Code, has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years, and has the recommendation of the district attorney representing the employee's county of residence, **or** if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

Additionally, if an individual **that is associated with a facility covered under Health and Safety Code section 1522** has been convicted of second degree robbery and obtained a Certificate of Rehabilitation, **as provided in paragraph (c)**, he or she is eligible to request an exemption for any facility type covered under Health and Safety Code Section 1522. This limited exception is a result of a **decision** issued on **June 22, 2006**, in *Glesmann v. Rita Saenz, Director of the Department of Social Services, et al.* **140 Cal.App.4th 960 lawsuit.**

An individual must provide a copy of the Certificate of Rehabilitation with a file stamp from the Superior Court. Before granting or denying an exemption under this section, legal counsel should be consulted.

An exemption granted under this section cannot be transferred to an RCFE, RCF-CI, any child care facility or to the TrustLine Registry.

7-1520 FELONY CONVICTIONS - INITIAL**7-1520**

A felony is an entry on the rap sheet identified as such or identified by the imposed sentence – “punishable by state prison”. The licensing agency must send separate, concurrent letters (cbcb 2) to the licensee and the individual notifying them that the individual has a felony conviction and that they must request a criminal record exemption. In TrustLine cases, the TL-09 letter is sent to the applicant. (County licensing agencies see Evaluator Manual Section 7-1000 for letter modification instructions).

7-1820 CONVICTIONS SUBSEQUENT TO A CLEARANCE OR AN EXEMPTION**7-1820**

The following procedures must be followed upon receipt of criminal history information on an individual who has already received a clearance or a criminal record exemption.

Non-exemptible Conviction – Licensee/Spouse/Dependent Family Member

If a licensee has been convicted of a non-exemptible crime the license must be revoked. If spouse or dependent family member has been convicted of a non-exemptible crime, and the facility is the spouse or dependant family member's place of residence, the license must be revoked.

The Caregiver Background Check Bureau Responsibilities:

- Send the field notification letter (cbcb6.0), and Regional Office response form to the Regional Office. The cbcb6.0 must identify the documents or materials relied upon to make the determination. This will usually be the state summary criminal history information received from the Department of Justice. In addition, the letter must list the non-exemptible conviction(s) and if known, the approximate date and court location where the conviction occurred.
- Be available to consult with legal and the Regional Office regarding a Temporary Suspension Order.

The Regional Office Responsibilities:

- Consult with legal and the Program Office regarding a Temporary Suspension Order or an expedited revocation.

Because the conviction is for a non-exemptible offense, the case must always be referred for a Temporary Suspension Order or an expedited revocation. As with all Temporary Suspension Order requests, the consulting attorney will contact the Attorney General's Office before a Temporary Suspension Order is filed.

In most cases, the presumption should be that a Temporary Suspension Order will be issued. In all cases, if the individual is determined to present a risk to clients, a Temporary Suspension Order will be initiated. However, if it is determined that the individual does not present a risk to clients, the licensing office may consider using an expedited revocation as discussed below.

If it is decided by the Regional Manager and attorney not to proceed with a Temporary Suspension Order, the Regional Manager will consult with the Program Office Administrator (or designee) to confirm the type of action to be taken. In these situations, if there is no immediate risk to clients identified, it would be appropriate to pursue an expedited revocation.

7-1820 CONVICTIONS SUBSEQUENT TO A CLEARANCE OR AN EXEMPTION (Continued)**7-1820**

- Send the licensee **and the individual** a letter informing them that the Department has received a rap sheet containing a non-exemptible conviction and that the license has been referred to the legal division for revocation (use cbcb 6.0 Template Letter 2, **2a or 2b** found in the common library). **The letter to the individual must identify the documents or materials relied upon to make the determination. This will usually be the state summary criminal history information received from the Department of Justice. In addition, the letter must list the non-exemptible conviction(s) and, if known, the approximate date and court location where the conviction occurred on the cbcb6.0 notice.**
- Complete and return the Regional Office response form to the Caregiver Background Check Bureau within ten (10) days of the date of the field notification letter (cbcb 6.0).
- If the revocation is based solely on the non-exemptible conviction, send the Caregiver Background Check Bureau a copy of the LIC 200, LIC 508 (if not previously sent) and the license with the Regional Office response form. The Caregiver Background Check Bureau will prepare the Statement of Facts.

The County Responsibilities:

- Upon receipt of the rap sheet or no later than 7 days, consult the Program County Liaison who will consult legal for a Temporary Suspension Order or an expedited revocation.

Because the conviction is for a non-exemptible offense, the case must always be referred for a Temporary Suspension Order or an expedited revocation. County licensing agencies who license Foster Family Homes must inform the County Placement Agency that foster children must be removed and that a TSO or an expedited revocation is warranted. As with all Temporary Suspension Order requests, the consulting attorney will contact the Attorney General's Office before a Temporary Suspension Order is filed.

In most cases the presumption should be that a Temporary Suspension Order will be issued. In all cases, if the individual is determined to present a risk to clients, a Temporary Suspension Order will be initiated. However, if it is determined that the individual does not present a risk to clients, the county licensing office may consider using an expedited revocation as discussed below.

- If it is decided that a Temporary Suspension Order is appropriate, prepare the Statement of Facts and Closure Report. Coordinate with the county liaison to ensure all required documents are sent to the assigned consulting attorney.

7-1820 CONVICTIONS SUBSEQUENT TO A CLEARANCE OR AN EXEMPTION (Continued)**7-1820**

- If it is decided by the County Program Manager or delegate, the consulting attorney and county liaison not to proceed with a Temporary Suspension Order, the county liaison will consult with the Community Care Licensing Division Program Office Administrator (or delegate) to confirm the type of action to be taken. In these situations, if there is no immediate risk to clients identified, it would be appropriate to pursue an expedited revocation.
- Send the licensee and the individual a letter informing them that the County has received a rap sheet containing a non-exemptible conviction and that the license has been referred to the Community Care Licensing legal division for revocation. The letter to the individual must identify the documents or materials relied upon to make the determination. This will usually be the state summary criminal history information received from the Department of Justice. In addition, the letter must list the non-exemptible conviction(s) and, if known, the approximate date and court location where the conviction occurred as provided by CBCB on the cbc6.0 notice. Use cbc6.0 Template 2, 2a or 2b. See Appendix H for a sample.

Non-exemptible Conviction – Employee/Resident**The Caregiver Background Check Bureau Responsibilities:**

- Make a reasonable attempt to contact the licensee by telephone informing the licensee that the individual was convicted of a non-exemptible conviction and must be immediately removed from the facility.
- Send separate and concurrent follow-up letters to the licensee (cbc6.1) and the individual (cbc6.1 C) specifying the above. The letter to the individual must list his/her non-exemptible convictions.
- Send Confirmation of Removal Notice (LIC 300E) to the licensee with the cbc6.1 letter.
- In addition, if the facility is a Family Child Care Home,
 - ✓ complete a Family Child Care Home - Notification of Parent's Rights Addendum to Remove/Exclude (LIC 995B)
 - ✓ send a copy of the form to the licensee with the cbc6.1 letter.
 - ✓ file a copy of the LIC 995B in the individual's criminal background file
 - ✓ send a copy of the LIC 995B and the cbc6.1 letter to the Regional Office.

7-1820 CONVICTIONS SUBSEQUENT TO A CLEARANCE OR AN EXEMPTION (Continued)**7-1820****The Regional Office Responsibilities:**

- Consult legal for a possible Temporary Suspension Order if the individual is not removed from the facility.

The County Responsibilities:

- Make a reasonable attempt to contact the licensee by telephone informing the licensee that the individual was convicted of a non-exemptible crime and must be immediately removed from the facility.
- Send separate and concurrent follow-up letters to the licensee (cbcb6.1) and the individual (cbcb6.1 C) specifying the above. The letter to the individual must identify the documents or materials relied upon to make the determination. This will usually be the state summary criminal history information received from the Department of Justice. In addition, the letter must list the non-exemptible conviction(s) and, if known, the approximate date and court location where the conviction occurred as provided by CBCB on the cbcb6.0 notice. County licensing agencies see Evaluator Manual 7-1000 for letter modification instructions.
- In addition, if the facility is a Family Child Care Home,
 - ✓ complete a Family Child Care Home - Notification of Parent's Rights Addendum to Remove/Exclude (LIC 995B).
 - ✓ send a copy of the form to the licensee with the removal letter.
 - ✓ file a copy of the LIC 995B in the individual's criminal background file.
- Consult the Program County Liaison who will consult legal for possible Temporary Suspension Order if the individual is not removed from the facility.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS (Continued)7-2100**(3) Penal Code section 203 — Any Mayhem**

- Specified at Penal Code, § 667.5(c)(2)
- This is not an exhaustive list of code sections under which this crime can be charged.
- CBCB is advised to consult legal if conviction is from out of state for a similarly titled crime.
- Exemption may be granted for licensure or employment in Community Care facilities only if rehabilitated pursuant to Health & Safety Code section 1522(g)(1)(A)(ii)

(4) Penal Code section 206 —Torture

- Added by SB 1992, effective 1-1-2001, as an amendment to Health & Safety Code sections 1522, 1568.09, 1569.17 and 1596.871
- Must be a felony conviction

(5) Penal Code sections 207, 208, 209, 209.5 — Kidnapping

- Specified in its entirety without qualification at Penal Code, § 667.5(c) (14) as a result of Proposition 21, effective 3-8-2000
- A conviction for the attempt to commit 207or 209 is non-exemptible.³

(6) Penal Code section 211, 212, 212.5, 213, 214 — Any Robbery

- Notwithstanding the above, if an individual has been convicted of second degree robbery and has obtained a certificate of rehabilitation, they are eligible for an exemption pursuant to a Court Order issued on June 22, 2006 in Glesmann v. Rita Saenz, Director of the Department of Social Services, et al. 140 Cal.App.4th, page no. 960. This exception only applies to those seeking exemptions for facilities covered under Section 1522 of the Health and Safety Code.

^{3.} A conviction for the attempt to commit any crime specified at Penal Code, § 290(a)(2)(A) is non-exemptible.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS**7-2100**

(Continued)

(39) Penal Code section 368 — Elder or dependent adult abuse

- SB 1992, effective 1-1-2001, specifies Penal Code, § 368 in its entirety.
- Formerly Penal Code, § 368(a) or (b) if prior to 1-1-99, and (b) or (c) thereafter as specified at Health & Safety Code sections 1522, 1568.09, 1569.17, and 1596.871

(40) Penal Code section 417(b) — Drawing, Exhibiting, or Using Firearm or Deadly Weapon on the grounds of a day care center

- Added by SB 1992, effective 1-1-2001, as an amendment to Health & Safety Code sections 1522, 1569.17 and 1596.871
- Must be a felony conviction

(41) Penal Code section 451(a) — Arson with great bodily injury

- A felony violation of Penal Code, § 451(a) specified at Health & Safety Code sections 1522, 1568.09, 1569.17 and 1596.871
- Also specified at Penal Code, § 667.5(c)(10)

(42) Penal Code sections 518 with 186.22— Extortion/gang related

- Added by Proposition 21, effective 3-8-2000, at Penal Code, § 667.5(19)
- Must be a felony conviction for extortion, as defined in Penal Code section 518, with a sentencing enhancement under Penal Code section 186.22(b) (gang related) or a felony conviction for Penal Code section 186.22(a) (gang related). Review of court records may be necessary to determine enhancement (gang-related conduct)

(43) Penal Code section 647.6 or prior to 1987 former section 647a — Annoy, molest child under 18

- Specified at Penal Code, § 290(a)(2)(A)
- A conviction for the attempt to commit this crime is non-exemptible

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS
(Continued)**7-2100****(44) Penal Code section 653f(c) — Solicit another to commit rape, sodomy etc.**

- Specified at Penal Code, § 290(a)(2)(A)
- CBCB is advised to consult CBCB legal team if conviction under 653f(c) prior to 1-1-80
- A conviction for the attempt to commit this crime is non-exemptible

(45) Penal Code section 664/187 — Any Attempted Murder

- Specified at Penal Code, § 667.5(c)(12)
- CBCB is advised to consult CBCB legal team if conviction is from out of state for similar crime.

(46) Penal Code section 667.5(c)(7) ⁴ Any Felony punishable by death or imprisonment in the state prison for life without possibility of parole but not for an indeterminate sentence.

- An example of an indeterminate sentence is “5 years to life” or “life in prison with possibility of parole”.
- Exemption may be granted for employment in Community Care facilities only if rehabilitated pursuant to Health & Safety Code section 1522(g)(1)(A)(ii) if the underlying felony can be exempted.

(47) Penal Code section 667.5(c)(8) — Enhancement for any felony which inflicts great bodily injury

- On or after 7-1-77, felony must have been charged and proved as provided for in Penal Code, §§ 12022.7 or 12022.9. Prior to 7-1-77, as specified in Penal Code, §§ 213, 264, and 461 or any felony in which the defendant uses a firearm which use has been charged and proved as provided in Penal Code, §§ 12022.5 or 12022.55
- Exemption may be granted for employment in Community Care facilities only if rehabilitated pursuant to Health & Safety Code section 1522(g)(1)(A)(ii) if the underlying felony can be exempted

⁴ If any Penal Code, § 667.5(c) entry appears on Rap sheet alone without any other Penal Code, section violation then CBCB is advised to contact legal.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS
(Continued)**7-2100****(48) Penal Code sections 12308, 12309, 12310 — exploding or igniting or attempting to explode or ignite any destructive device or explosive with the intent to commit murder**

- All specified at Penal Code, § 667.5(c)(13). Penal Code, §§ 12309 and 12310 added by Proposition 21 effective 3-8-2000

(49) Penal Code section 12022.53 —Enhanced sentence for listed felonies where Use of Firearm

- Specified at 667.5(c)(22) by Proposition 21, effective 3-8-2000
- Underlying conviction must be for a felony listed in Pen Code, 12022.53
- Some subsections of PC 261 and 262 are exemptible

(50) Penal Code section 11418(b) or (c)— Weapons of Mass Destruction

- Added by amendment effective 9-17-02, at Penal Code, § 667.5(c)(23)

(51) Business and Professions Code section 729 — Sexual Exploitation by Physicians, Surgeons, Psychotherapists, or Alcohol and Drug abuse Counselors

- Must be felony conviction
- Added by SB 1992, effective 1-1-2001, as an amendment to Health & Safety Code sections 1522, 1568.09, 1569.17 and 1596.871

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS
(Continued)**7-2100**

288.5	Continued sexual abuse of a child.
289	Penetration of genital or anal opening by foreign object by force, violence, duress, menace or fear of injury.
311.2(b), (c) or (d)	Sale, possession or distribution of material depicting a child under the age of 18 engaging in or simulating sexual conduct.
311.3	Sexual exploitation of a child by developing, filming, or photographing sexual conduct by a child under the age of 18.
311.4	Employment or use of minor to perform prohibited acts.
311.10	Advertising for sale or distribution of obscene matter depicting a child under the age of 18 engaged in or simulating sexual conduct.
311.11	Possession or control of material depicting minor engaged in or simulating sexual conduct.
314 (1) or (2)	Indecent exposure.
368(a) or (b)	Willful infliction of pain or suffering to elder or dependent adults.
451(a)	Arson causing great bodily injury.
451(b)	Arson of a dwelling
647(d)	Loitering in or about any public toilet for the purpose of engaging in or soliciting and lewd, lascivious or unlawful acts.
647.6 or formerly 647a	Annoying or molesting a child under the age of 18.
667.5(c)	Violent felonies.
12022.5	Sentence enhancement for the use of a firearm in a commission or attempted commission of a felony.
12022.55	Sentence enhancement for inflicting great bodily injury by discharging a firearm from a motor vehicle in the commission of a felony.
12022.7	Sentence enhancement for the infliction of great bodily injury.